



PATENT APPLICATION  
PO7963  
MD02-111

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

APPLICATION OF )  
WILLIAM E. SLACK ET AL ) GROUP ART UNIT: 1711  
SERIAL NUMBER: 10/696,458 ) EXAMINER: Rabon A. Sergent  
FILED: October 29, 2003 )  
TITLE: LIQUID PARTIALLY TRIMERIZED )  
AND ALLOPHANIZED POLYISO- )  
CYANATES BASED ON TOLUENE )  
DIISOCYANATE AND DIPHENYL- )  
METHANE DIISOCYANATE )

**REPLY BRIEF**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

The Examiner's Answer dated September 28, 2007 has been received and its contents noted. The following is in response thereto.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an enveloped addressed to: Commissioner for Patents, Alexandria, VA 22313-1450 November 28, 2007

Date  
Lyndanne M. Whalen, Reg. No. 29,457  
Name of applicant, assignee or Registered Representative

  
Signature  
November 28, 2007  
Date

## REMARKS

Neither Slack et al nor Oertel teaches or suggests trimerization and allophanation of an isocyanate in the presence of a hydroxyl compound.

At page 6, lines 19-20 of the Examiner's Answer it is argued that Appellants have failed to establish in light of the evidence, with respect to processing conditions, that the argued reaction products of the patent do not contain allophanate groups.

Appellants submit that temperature is not the only process condition to be considered in determining the composition of the product of a given process. The specific reactants being used in the process are also significant.

In the present case, Appellants' claimed products are formed from a mixture of TDI and MDI satisfying specified compositional requirements and a compound containing from 1 to 4 hydroxyl groups.

Neither Slack et al nor Oertel teaches or suggests that such a hydroxyl group-containing compound be included in the mixture being trimerized during trimerization.

Therefore, even if one skilled in the art were to increase the temperature during the trimerization reaction taught by Slack et al to a temperature which would produce the allophanate groups that Slack et al sought to avoid, that skilled artisan would not obtain the same products as those being claimed by Appellants.

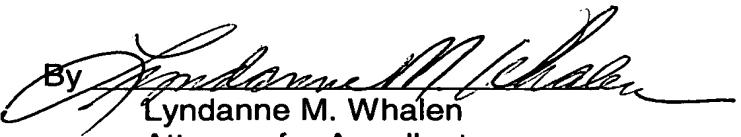
At page 7, lines 5-9 of his Answer, the Examiner argues that Claim 11 of Slack et al claims the reaction of trimerized polyisocyanates with hydroxyl compounds.

Appellants would direct the Board's attention to the fact that Claim 11 of Slack et al is directed to a liquid **prepolymer** which is produced by reacting a "liquid partially trimerized polyisocyanate of claim 1" with an organic component containing hydroxyl groups. That is, the hydroxyl compound is reacted with an **already-formed trimer**. That hydroxyl compound is not reacted with the isocyanates **while** the trimer is being formed in the manner required by Appellants' claimed invention.

The Examiner's reliance upon Claim 11 of Slack et al to support the rejection of Appellants' claimed invention is therefore clearly misplaced.

For these reasons and those discussed in their Brief, Appellants continue to maintain that each of the Examiner's rejections is in error and respectfully request that each of these rejections be reversed and that the claims which are the subject of this Appeal (i.e., Claims 1-5) be allowed.

Respectfully submitted,

By   
Lyndanne M. Whalen  
Attorney for Appellants  
Reg. No. 29,457

Bayer MaterialScience LLC  
100 Bayer Road  
Pittsburgh, Pennsylvania 15205-9741  
(412) 777-3843

FACSIMILE PHONE NUMBER:

(412) 777-3902  
s:\shared\jmf\LMW7963.brf